

Brookside Ridge Homeowners Association

RESOLUTION 01-2004 Schedule of Fines

WHEREAS the property owners, tenants, guests, or other persons occupying Brookside Ridge units or using the common facilities are subject to the rules and regulations set forth in the Declaration of Covenants, Conditions and Restrictions, Amendment to and Restatement of Declaration of Covenants, Conditions and Restrictions, any future Condo Rules, and the Bylaws of Brookside Ridge Homeowners Association as well as those found in the Oregon Condominiums Act, and

WHEREAS Section 94.630 (1) of the 2003 Edition of Oregon Condominium Act empowers the Board in matters relating to the collection of Assessments and the enforcement of governing documents, and

WHEREAS Section 4.2 of the Bylaws of the Brookside Ridge Homeowners Association charges the Board with the powers and duties necessary for the administration of the affairs of the Association, and

WHEREAS Section 13 of the Bylaws and Section 10.7 of the Amendment to and Restatement of the Conditions, Covenants and Restrictions for Brookside Ridge, gives the Board the authority to take financial and/or legal action against property owners found to be in violation of rules if corrective action for the violation is not taken, and

WHEREAS Section 94.630 (1)(n) of the 2003 Edition of Oregon Condominium Act (effective January 1, 2002) requires that all charges or fines imposed by the Board based on a Schedule of Fines, and

WHEREAS Section 94.630 (1)(n) of the 2001 Edition of Oregon Condominium Act requires that property owners found to be in violation of rules be given an opportunity to request a hearing before the Board before a charge or fine is assessed, and

WHEREAS it is the intent of the Board:

1. To achieve compliance with rules, policies, and procedures
2. To promote unity and harmony within the complex
3. To maintain the appearance and value of our property
4. To maintain cohesive community relationships in a manner that is fair and equitable for all residents and property owners

NOW, THEREFORE, BE IT RESOLVED that the following procedures be used to address suspected violations of the rules and regulations set forth in the Amendment to and Restatement of Covenants, Conditions and Restrictions for Brookside Ridge and the Bylaws of Brookside Ridge Homeowners Association:

A. VIOLATIONS, COMPLAINTS, and NOTIFICATION:

1. (a) A suspected rules violation, nuisance complaint, or safety issue may be identified by the association manager, an appropriate committee, or may be brought to the Board's attention by any member of the Association.

(b) All alleged complaints must be submitted to the property management Company in writing.
2. Upon receipt of a written complaint, the property manager or appropriate committee will examine the condition and will make an initial determination of whether a violation exists.
3. (a) If it is determined that a violation does exist, property owner will be notified in writing. The written notification to the property owner will be sent by First Class Mail and electronic mail (if available).

(c) If the property is a rental unit the renter will also receive a copy of the notification. The notification to the renter will be sent First Class Mail only.

(d) The notification will state the rule that has been violated, a description of the violation, and the date by which the violation must be corrected to avoid any penalty.

(e) A time limit of ten (10) calendar days from the date of the postmark of the notification shall be set for compliance or correction of the violation.

(f) The notification will also inform the property owner of the right to request a hearing.

B. HOMEOWNER'S RIGHT TO HEARING:

1. (a) The request for a hearing must be submitted with ten (10) days of the date of Postmark of the notification or the right to a hearing will be waived and the fine will be automatically assessed.

(b) The request for a hearing must be directed to the property management Company whose name, address, and phone number and e-mail address shall be listed on the Notices of Violation.

(c) The purpose of the hearing is to provide the property owner the opportunity to establish why the rule has not been violated or why the rule of procedure does not apply.

(d) After hearing the property owner's position, the Board, or a committee appointed by the Board, shall make a determination whether the Declaration, the Bylaws, or the Condo Rules have been violated. The Board shall either render its decision at the conclusion of the hearing or will take the matter under advisement and render the decision at a later Board meeting.

- (e) The same party will hold no hearing on a subsequent or continued violation of the same rule or for the same or substantially the same conduct.
4. (a) The Board's decision shall be presented to the property owner in writing by both First Class Mail and electronic mail (if available).
 - (b) If, after the hearing, the Board determines that no violation exists, no further action on the part of the homeowner will be required.
 - (c) If, after the hearing, the Board determines that a rule violation does exist, the property owner will have ten (10) calendar days from the date of postmark to correct the problem. After the ten day period, the property manager or appropriate committee or Board member shall inspect the property to insure satisfactory compliance.
 - (d) If a fine is to be imposed, the amount of the fine will be included in the Board's written response and will be sent to the owner (and the renter, if applicable) at their last known address. Section 6 below describes how fines will be assessed. Fines will be immediately due and payable.

C. PENALTIES:

If a violation still exists after the initial ten day period, and if the property owner has not requested a hearing, the following penalties will be automatically assessed.

First notice of violation:	\$ 50.00	Applied on day eleven
Second notice of violation:	\$ 100.00	Applied the following month
Third notice of violation:	\$ 150.00	Applied per month until the violation is corrected

D. FINE SCHEDULE CYCLE:

The fine schedule will be implemented from January 1st through December 31st of each year. However, violations which have not been resolved within the January – December time period will continue to accrue fines until the violation has been corrected.

E. ASSESSED FINES and LEGAL ISSUES:


1. The above fines are in addition to any legal fees or other expenses that may be incurred by the Association in seeking compliance with violations or for replacement or repair of common areas or facilities damaged by the property owner.
2. Should a fine be assessed by the Board, the amount will be invoiced and sent to the property owner at their last known address, and will be immediately due and payable.

3. Unpaid fines shall be subject to collections as assessments in accordance with the resolutions adopted by the Board of Directors, applicable state law, the Declaration, and the Bylaws.
4. Failure to pay fines within sixty (60) days may result in a lien placed against the property.
5. Violation notices will state whether the violation is the first, second, or third and final notice.


NOW, THEREFORE BE IT RESOLVED notwithstanding any other provisions in this resolution, the Board may take immediate legal action as it deems reasonably necessary to prohibit conduct which it determines is in violation of the Declaration, Bylaws, Condo Rules, or applicable state or federal law.

AND BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all property owners at their last known address.

Adopted by the Board of Directors this 22 day of November 2004



Board Chair



Board Secretary

This resolution was reviewed by our attorney and contains his recommended wording.